

Election law down the drain

Grand Rapids Press

Tuesday, April 11, 2006



State law requires county drain commissioners to be elected every four years. Anyone tapped to fill a vacancy serves until the next countywide election. Kent County wants to change the rules. The County Board of Commissioners is pushing special legislation that would allow Kent to appoint its drain commissioner rather than let voters make that decision. If the Legislature doesn't sink this bill, the governor should.

The board's reasons for seeking the change are weak at best. The members want to avoid a drain commissioner election this year because they don't want to risk losing interim drain commissioner Douglas Sporte. Mr. Sporte was appointed last May to fill the vacancy left by the death of Roger Laninga, who had held the office since 1992. Mr. Sporte says he's not a politician and won't run for the office next fall. He's content to return to his deputy drain commissioner post.

A good case probably could be made for making drain commissioner an appointed post but not for the reasons Kent County is citing. The job should be held by someone with engineering expertise and other skills associated with drainage and flooding. In elections, the best qualified person for the job doesn't always win. Counties can (and several decades ago, Kent did) end up with a drain commissioner without the skills to do the job.

But that's how the democratic process works. Voters get to choose their elected officials. If they don't like the job they are doing, they can vote in a change. There also is no guarantee that the County Board would appoint the most qualified candidates and not pass the job to political pals. Besides, any job that comes with the authority to assess taxes ought to be answerable to taxpayers. Drain commissioners can assess taxes for drain improvements.

If lawmakers are serious about making significant reforms in county drain commissioner policy, they should start by setting job requirements for the little-known but powerful position. That way, whether elected or appointed, drain commissioners statewide would have the necessary skills.

Kent County commissioners should encourage Mr. Sporte to run for the job if they want him to keep the position. As an incumbent and a Republican, he would be the odds-on favorite to win. If Mr. Sporte doesn't want to do what's required to stay in office, that's his choice. No special laws should be enacted to keep him in office and exclude voters from the process. Certainly there should be no legislation that gives the county the option of alternating between an elected and an appointed drain commissioner. That option is a ridiculous component of the bill approved by the Senate last month and sent to the House.

Sen. Bill Hardiman, R-Kentwood, co-sponsored the legislation, which was supported by West Michigan's Senate contingent. Lawmakers in the House, especially Kent County's representatives -- Jerry O. Kooiman, R-Grand Rapids; Michael Sak, D-Grand Rapids; Thomas Pearce, R-Cannon Township; Kevin Green, R-Wyoming; David Hildenbrand, R-Lowell; and Glenn Steil Jr., R-Cascade Township -- should put the brakes on this legislation.

Mr. Sporte, who spent 25 years as a civil engineer with the City of Kentwood, has been in the county drain commissioner's office for six years. He is qualified for the head job and has impressed county commissioners. But surely he is not the only person in Kent County capable of handling the office.

There should be good reasons to change an elected government position to an appointed one. Kent County's situation doesn't measure up.

From the Desk of W. Paul Mayhue, Kent County Commissioner 16th District

April 18, 2006

Honorable Michael Sak 76 District
N1095 House Office Building
P.O. Box 30014
Lansing Michigan 48909-7514

Dear Honorable Michael Sak 76 District,

SENATE BILL 945

I am going on record opposing senate bill 945 because I feel that this is too much authority to be tucked into a place where the public has limited redress. This is not a partisan issue. This is an issue of accountability. The proposed change in the way the Drain Commissioner will do business, if appointed, will not have the public scrutiny that it deserves. The Drain Commission has too much power to not be accountable to the public. The powers consist of eminent domain, taxing authority, and the power to regulate fees, in my mind this is far too much authority to have compartmentalized into a single silo. I have voiced by concerns to the Legislative Committee of Kent County as well.

Sincerely,

W. Paul Mayhue, Kent County Commissioner

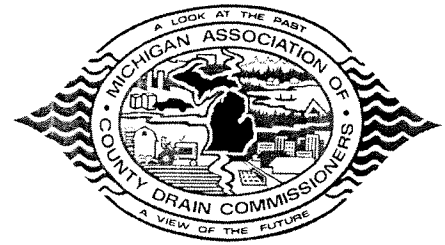
From: "Nicole Cook" <NCook@hubbardlaw.com>
To: <representativesak@house.mi.gov>
Date: Fri, Apr 7, 2006 2:24 PM
Subject: Fwd: Senate Bill 945

Dear Representative Sak, I am sending this email to you on behalf of Patrick Lindemann, Ingham County Drain Commissioner and President of the Michigan Association of County Drain Commissioners (MACDC). It is Mr. Lindemann's personal position that SB 945 is bad policy and he does not support the Bill. Attached for your use is MACDC's position paper on SB 945. Should you have any questions, please feel free to contact me.

Thank you,

Nicole M. Cook
Legal Assistant
HUBBARD, FOX, THOMAS,
WHITE & BENGTSON, P.C.
(517) 886-7116

Memorandum



DATE: March 8, 2006
TO: Senate Committee on Local, Urban & State Affairs
FROM: MACDC
RE: SB 945 (S-1)

The Michigan Association of County Drain Commissioners (MACDC) is opposed to SB 945.

As you are aware, SB 945 provides that in a county with a population of 500,000 or more, the County Board of Commissioners may, by resolution, convert the position of Drain Commissioner from an elected office to an appointed position. The appointment would be made by the Board of Commissioners. A resolution would not take effect until there is an "open vacancy" in the office of Drain Commissioner. Note that this language creating an appointed Drain Commissioner would be in direct conflict with Section 21 of the Michigan Drain Code (MCL 280.21).

CONCERNS OF MACDC

The MACDC is concerned with the language of the bill as currently drafted. The Drain Commissioner is charged with determining the apportionment of the costs of the project based on the principal of benefits derived. The Drain Code allows the Drain Commissioner to apportion the cost of the project to individual properties benefited, to townships, cities and villages for the benefit of public health, convenience and welfare, and to the county at large. After the apportionment is determined, assessments are made. If SB 945 is passed, the Drain Commissioner would retain the authority to assess properties for the cost of a project; however, the Drain Commissioner would no longer be accountable to the electorate for his/her actions in making such apportionments.

This is the very problem that the legislature attempted to remedy in proposing HB 5281. As you may recall, that bill would require that an intercounty drainage board involving Wayne County be comprised not only of the Drain Commissioners from each county involved in the project and a representative from the Department of Agriculture, but also an individual appointed by each

Drain Commissioner. The appointee would be an official or their designee from a city, village or township subject to assessment for the project. That bill was introduced as a result of issues that arose in the Milk River Intercounty Drain, involving Wayne and Macomb Counties. The goal of HB 5281 was to provide municipal representation in addition to the Wayne County Drain Commissioner who is not elected. The sponsor of the Bill was concerned that because the Drain Commissioner in Wayne County is appointed that there is a perception that the position is less accountable to the constituency.

Further, in determining the apportionment of costs of a project, the Drain Commissioner has the ability to, and frequently does, apportion a cost of the project to the county at large. MCL 280.151 and 280.152. If SB 945 is passed, this would create a conflict of interest because the Drain Commissioner would be appointed by the County Board of Commissioners, but would also be assessing the County for a portion of the project cost. As you can imagine, this would make the Drain Commissioner's job inherently difficult. Moreover, it would be against public policy to enact legislation that would condone or provide for a potential conflict of interest.

MACDC opposes the idea of an appointed Drain Commissioner regardless of the population of the County in which the Drain Commissioner acts. The MACDC have remained solid in this position since the Drain Code review process began in 1994. Although this bill mandates that the position of Drain Commissioner could only be converted from an elected position to an appointed position in counties with a population of 500,000 or more, this bill may set a state-wide precedent. Further, this requirement may affect other counties within the next 10-15 years as county populations continue to expand. Finally, there is no rational reason to have a distinction between counties, wherein some Drain Commissioners are appointed and some are elected.

MACDC understands that SB 945 is a result of the Kent County Board of Commissioners request to consolidate the office of the Drain Commissioner and the Public Works Office into one position. However, MACDC believes that this goal can be accomplished through Section 21 of the Drain Code, MCL 280.21 by consolidating the office but retaining it as an elected position.

It is MACDC's position that the office of Drain Commissioner should remain an elected office regardless of the size of the county, so that the Drain Commissioner is held accountable to the electorates. Therefore MACDC opposes SB 945.

We would be happy to discuss our concerns with members of the Legislature.

From: "Becky Rininger" <BRininger@ALLEGANCOUNTY.ORG>
To: <representativesak@house.mi.gov>
Date: Fri, Apr 7, 2006 6:57 AM
Subject: SB 945 (S-1)

Dear Representative Sak:

I am writing to you today to state my concerns about SB 945 which provides that in a county with a population of 500,000 or more, the County Board of Commissioners may change the position of Drain Commissioner from elected office to an appointed position. I am asking for your support in opposing this bill as it directly conflicts with Section 21 of the Michigan Drain Code, Public Act 40 of 1956, as amended. As you can see from the attached e-mails, I have repeatedly been in contact with my senator, Senator Patty Birkholz, listing the reasons I am against the proposed legislation.

I have several concerns about this bill. In summary, they include:

1. The Drain Commissioner is charged with determining the apportionment of costs for a project. If this bill is passed, the Drain Commissioner would no longer be accountable to the electorate but to the Board of Commissioners. I believe this creates "taxation without representation."
2. When assessing a project, most times a portion of project costs is assessed to the county at large. If this bill passes, it would create a conflict of interest between the Drain Commissioner and the Board of Commissioners who appointed him/her. So often times in County government, if Commissioners have control over a position, there are inherently problems, conflicts, and pressures brought to bear.
3. I also understand that this legislature was proposed to address the wishes of Kent County to keep their interim Drain Commissioner in that position. It is my personal opinion that laws should not be created as "knee-jerk" plans to address the wants of one municipality. And even though this would only affect counties with populations over 500,000, this bill could set a state-wide precedent as county populations continue to expand. Perhaps Kent County should research other avenues to arrive at their goal rather than having existing legislature manipulated to fit their needs.

I want to thank you for this opportunity to present my concerns.

Becky Rininger
> Allegan County Drain Commissioner
> 113 Chestnut Street
> Allegan, Michigan 49010
> Direct phone: (269) 673.0376
> FAX: (269) 673.0396

-----Original Message-----

From: "Becky Rininger" <BRininger@ALLEGANCOUNTY.ORG>
Sent: 4/4/2006 5:23:18 PM

To: SenPBirkholz@senate.michigan.gov
Cc: bvansickle@calhouncountymi.gov,tdoyle@barrycounty.org,bharrington@eatonc
ounty.org
Subject: SB 945 (S-1)

Good morning, Patty:

I'm not certain what the status is of SB 945, but decided to follow up on the e-mail I sent you last January 18, especially since I have heard from other elected officials that you are apparently in support of this bill.

My reasons for asking you to oppose this bill are the same as in my original e-mail. As the Drain Commissioner has authority to assess properties, the Drain Commissioner needs to be accountable to the electorate. In addition, since the Drain Commissioner has the ability to, and frequently does, assess a portion of project costs to the county at large, this proposed legislature would create a conflict of interest because the Drain Commissioner would be appointed by the Board of Commissioners. I also understand that this legislature was proposed to address the wishes of Kent County to keep their interim Drain Commissioner in that position. However, I don't believe that there is any rational reason to have a distinction between counties wherein some drain commissioners are elected and some appointed just to be able to manipulate who becomes the Drain Commissioner.

I realize that at this point the proposed legislature would only impact one county. However, this could be precedent setting and that deeply troubles me. In my opinion, humble as it may be, laws should not be made nor amended in order to address the wants (not needs) of 1 (and I repeat 1) county.

If, as the rumor mill indicates, you are in support of SB 945, I ask you to re-evaluate your reasoning. As always, I would be happy to discuss this further with you.

Becky

> -----Original Message-----

> From: Becky Rininger

> Sent: Wednesday, January 18, 2006 10:03 AM

> To: Senator Patty Birkholz

> Subject: SB 945

>

> Good morning, Patty!

>

> I'm writing to you today to state my concerns about SB 945 and ask for

> your support in opposing this bill.

>

> SB 945 provides that in a county with a population of 500,000 or more,

> the County Board of Commissioners may change the position of Drain
> Commissioner from elected office to an appointed position. The
> position of Drain Commissioner, except as allowed by law, has always
> been an elected position and I am against this bill for the following
> reasons:

>
> 1. The Drain Commissioner is charged with determining the
> apportionment of costs for a project. If this bill is passed, the
> Drain Commissioner would no longer be accountable to the electorate
> but to the Board of Commissioners. My belief is that this harks back
> to the principle of not having "taxation without representation."

>
> 2. When assessing a project, most times a portion of the project
> costs is apportioned to the county at large. If this bill passes, this

> would create a conflict of interest with the Drain Commissioner being
> appointed by the Board of Commissioners. You and I both know having
> been a part of County government, that if Commissioners have control
> over a position, there are inherently problems, conflicts, and
> pressures to bear.

>
> 3. Even though SB 945 would only affect counties with populations
> over 500,000, changes in law tend to "creep" and if it's "good for the

> goose, it's good for the gander." Additionally, this requirement could

> affect other counties as their population grows and expand.

>
> In summary, the office of the Drain Commissioner should remain an
> elected office for counties of all size. The Drain Commissioner
> should continue to be held accountable to the electorate, not the
> Board of Commissioners.

>
> I would be happy to speak personally with you to further discuss this.

>
>
> Becky Rininger
> Allegan County Drain Commissioner
> 113 Chestnut Street
> Allegan, Michigan 49010
> Direct phone: (269) 673.0376
> FAX: (269) 673.0396

>
>

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District 76 - SB 945

From: "Janis Bobrin" <Bobrinj@ewashtenaw.org>
To: <representativesak@house.mi.gov>
Date: 4/7/2006 3:43:37 PM
Subject: SB 945

Dear Representative Sak:

Thank you for your interest in SB 945. I oppose this legislation for the reasons identified in MACDC's position paper. As immediate past president of MACDC, and Washtenaw's Drain Commissioner since 1989, I believe that I have gained understanding and respect for the state statute that requires elected drain commissioners. We not only have authority to special assess the citizens of Michigan, but to undertake projects and activities that can affect property, property values, and Michigan's natural resources. For these reasons and many more, the position should be directly accountable to the voters. Let me add that we do have the authority to special assess the County at large in drain projects, for benefits to county roads. Allowing a board of commissioners to appoint a drain commissioner is therefore a potential direct conflict of interests.

Thank you for your consideration



Janis A. Bobrin
Washtenaw County Drain
Commissioner
705 N. Zeeb Road
P.O. Box 8645
Ann Arbor MI 48107-8645
734.994.2525 (office)
734.222.6836 (direct dial)
734.994.2459 fax
313.408.1500 cell

District 76 - SB945

From: "Cindy Sullivan" <cindy@co.newaygo.mi.us>
To: <representativesak@house.mi.gov>
Date: 4/7/2006 3:10:40 PM
Subject: SB945

Honorable Representative Sak:

I am opposed of SB945 because I believe that any new laws passed should benefit all of the States Citizens. This bill does not do that. It is my understanding that the only reason this bill was introduced is because the present Kent County Drain Commissioner does not want to go through the process of running for election. While I can certainly understand the hardship of running for election both in time and money, it is something that we all do to give the citizens of this Great State the opportunity to decide who they want to represent them in a certain office. This bill removes the voice of the people!

While I know Doug Spote and think he is doing a fine job filling the vacancy created by the passing of Roger Lannenga, and believe Doug would do a fine job for the people of Kent County if elected, that is not the question here. The question is do the people have they right to elect the person they want to represent them for the next four years..... they do.

Cindy Sullivan
Newaygo County Drain Commissioner

District 76 - SB935

From: "Hasenbank, Dave" <dhasenbank@masoncounty.net>
To: <representativesak@house.mi.gov>
Date: 4/7/2006 2:50:25 PM
Subject: SB935

Dear Representative Sak:

I urge you to work with your fellow representatives to defeat SB945. I believe it is bad public policy to enact a law for such a narrow purpose. Further, I believe that the proposed law would weaken the Drain Commissioner's position in apportioning the cost of public projects and reduce his/her accountability to the citizens served. The Drain Commissioner's job is often difficult enough without un-necessarily bringing "politics" into the mix.

I recognize that the intent of this bill is not inherently bad, but I believe that the same result could be achieved in Kent County without the need to pass additional legislation, especially legislation which has the potential to weaken a system that isn't broken.

Thank you for your consideration on this matter.

Dave Hasenbank, Mason County Drain Commissioner.

District 76 - SB945

From: "David Hassenger" <hassengerd@stjosephcountymi.org>
To: <representativesak@house.mi.gov>
Date: 4/7/2006 2:28:41 PM
Subject: SB945
CC: "drains" <drains@stjosephcountymi.org>, "Nicole Cook" <NCook@hubbardlaw.com>

Representative Sak,

I oppose SB 945 because I am unable to answer the following basic questions:

WHO WOULD THIS APPOINTED DRAIN COMMISSIONER BE REPRESENTING?

HOW WOULD A DRAINAGE DISTRICT HOLD THIS APPOINTED DRAIN COMMISSIONER ACCOUNTABLE?

thankyou for your efforts to stop this bill.

Dave Hassenger
St. Joseph County Drain Commissioner

District 76 - Michigan Drain Law

From: "Orrin Dorr" <dorro@vbco.org>
To: <representativesak@house.mi.gov>
Date: 4/10/2006 11:54:55 AM
Subject: Michigan Drain Law

From Orrin Dorr, Van Buren County Drain Commissioner.

My first hand experience with county commissioners is there are not familiar with our drain laws and often react as if the drain laws and drain commissioners are out-dated and unnecessary. County government is often finds itself in poor financial condition. This combination will lead to poor choices in regard to county drain offices.

Therefore putting our elected drain commissioners, in any way, under more influence of the county board of commissioners is a mistake.

Thank You

Sincerely

Orrin Dorr

From: "Sherry Trader" <Strader@calhouncountymi.gov>
To: <representativesak@house.mi.gov>
Date: Mon, Apr 10, 2006 12:04 PM
Subject: SB945-IMMEDIATE ATTENTION REQUIRED

Representative Sak,

As an elected Drain Commissioner I feel very strongly about that office remaining an elected position. The election process makes that office responsible to the people and not the politics of the Board of Commissioners. I think it would be a definite conflict of interest to be appointed, as the Drain Commissioner does apportion county government with an at large assessment on most projects, thus billing the people responsible for his position.

Also what Kent County wants to accomplish by combining the position of Drain Commissioner and Public Works Director can be done through Section 21 of the Drain Code.

Therefore I urge you and the rest of the House of Representatives to vote no on Senate Bill 945.

Blaine Van Sickle
Calhoun County Drain Commissioner
315 W. Green Street
Marshall, Michigan 49245
269-781-0790

CC: <NCook@hubbardlaw.com>

District 76 - SB 945

From: <kmcelyea@co.grand-traverse.mi.us>
To: <representativesak@house.mi.gov>
Date: 4/10/2006 12:54:04 PM
Subject: SB 945
CC: <inghamdrainlindemann@mac.com>, <NCook@hubbardlaw.com>

State Representative Sak

April 10, 2006

House Office Building
P.O. Box 30014
Lansing, MI 48909-7514

RE: SB 945 (S-1)

Dear Representative Sak,

I am writing to you to express my opposition to the above referenced Bill.

I believe the proposed Bill, as introduced, would be in direct conflict with Section 21 of the Michigan Drain Code, moreover, it would be against public policy to enact legislation that would condone or provide for a potential conflict of interest.

Furthermore, the very problem the legislature attempted to remedy in proposing the previous HB 5281, namely, the concerned that because the Drain Commissioner in Wayne County is appointed that there is a perception that the position is less accountable to the constituency, would be repeated here again.

Finally, I am concerned about the expansion of this process beyond Kent County and all those counties now or in the future having a population of 500,000 or more. I am opposed to the idea of an appointed Drain Commissioner regardless of the population of the County in which the Drain Commissioner acts and the state-wide precedent this bill may set.

Again, I believe the office of Drain Commissioner should remain an elected office regardless of the size of the county, so that the Drain Commissioner is held accountable to the electorates. I am opposed to the Bill as introduced and I am joining my colleagues in contacting our Legislators to request their consideration in opposing this bad public policy.

Please help us if you can.

Respectfully,

Kevin P. McElyea, RLA
Grand Traverse County Drain Commissioner
and Soil Erosion & Sedimentation Control Director

Cc: -

Patrick Lindemann, President MACDC, Ingham County Drain Commissioner
Geoffrey H. Seidlein, Hubbard, Fox, Thomas, White & Bengtson, P.C.

District 76 - SB945 Opposition

From: "Shane Haskin" <haskins@clareco.net>
To: <representativesak@house.mi.gov>
Date: 4/7/2006 11:23:40 AM
Subject: SB945 Opposition
CC: <rlafferty@house.mi.gov>, <timmoore@house.mi.gov>

Dear Representative Sak,

I am sending this email to notify you of my opposition to SB945. As the Clare County Drain Commissioner, I am very uneasy with the idea of a Drain Commissioner appointed by a County Board of Commissioners. This would create a conflict of interest as the Drain Commissioner has the ability to, and often does, apportion a percentage of a project's cost to the County at-large.

I understand the bill is intended to affect only Kent County at the current time but their goal could be accomplished through Section 21 of the Drain Code, MCL 280.21 by consolidating the office yet still retaining it as an elected position.

If you would like to discuss this issue further, please contact my office anytime at 989.539.7320.

Sincerely,

Shane D. Haskin
Clare County Drain Commissioner

From: "Sherry Samuel" <ssamuel@co.mecosta.mi.us>
To: <representativesak@house.mi.gov>
Date: Fri, Apr 7, 2006 10:34 AM
Subject: SB 945

MECOSTA COUNTY DRAIN COMMISSIONER'S OFFICE
Soil Erosion & Sedimentation Control Department
Sherry A. Samuel, Drain Commissioner / CEA
Jackie Fitzgerald, Deputy

Mecosta County Services Building
Phone: (231) 592-0103
14485 Northland Drive, Rm. 105 Fax: (231) 592-9446
Big Rapids, MI 49307 e-mail: ssamuel@co.mecosta.mi.us

April 7, 2006

RE: Opposition to SB 945

Dear Representative Sak:

This letter is regarding Senate Bill 945, currently in the House. This bill provides that in a county with a population of 500,000 or more, the County Board of Commissioners may, by resolution, convert the position of Drain Commissioner from an elected office to an appointed position. This appointment would be made by the County Board of Commissioners, and would not take place until there is an open vacancy in the office of Drain Commissioner.

The language creating an appointed Drain Commissioner would be in direct conflict with Section 21 of the Michigan Drain Code (MCL 280.21).

My concern is that the Drain Commissioner is charged with determining the apportionment of the costs of a project based on the principal of benefits derived. The Drain Code allows the Drain Commissioner to apportion the cost of a project to individual properties benefitted, to townships, cities and villages for the benefit of public health, convenience and welfare, and to the county at large. After the apportionment is determined, assessments are made. If SB 945 is passed, the Drain Commissioner would retain the authority to assess properties for the cost of a project; however, the Drain Commissioner would no longer be accountable to the electorate for his/her actions in making such apportionments.

This is the very problem that the legislature attempted to remedy in proposing HB 5281. That bill would require that an intercounty drainage board involving Wayne County be comprised not only of the Drain Commissioners from each county involved in a project and a representative from the Department of Agriculture, but also an individual appointed by each Drain Commissioner. The appointee would be an official or their designee from a city, village or township subject to assessment for the project. That bill was introduced as a result of

issues that arose in the Milk River Intercounty Drain, involving Wayne and Macomb Counties.

The goal of HB 5281 was to provide municipal representation in addition to the Wayne County Drain Commissioner who is not elected. The sponsor of the Bill was concerned that because the Drain Commissioner in Wayne County is appointed that there is a perception that the position is less accountable to the constituency.

In determining the apportionment of costs of a project, the Drain Commissioner has the ability to, and frequently does, apportion a cost of the project to the county at large under MCL 280.151 and 280.152. If SB 945 is passed, this would create a conflict of interest because the Drain Commissioner would be appointed by the County Board of Commissioners, but would also be assessing the County for a portion of the project cost. As you can imagine, this would make the Drain Commissioner's job inherently difficult. Moreover, it would be against public policy to enact legislation that would condone or provide for a potential conflict of interest.

The Michigan Association of County Drain Commissioners opposes the idea of an appointed Drain Commissioner regardless of the population of the County in which the Drain Commissioner acts. I am in agreement with this opposition.

I understand that this Bill is a result of the Kent County Board of Commissioners request to consolidate the office of the Drain Commissioner and the Public Works Office into one position. However, the this goal can be accomplished through Section 21 of the Drain Code, MCL 280.21 by consolidating the office but retaining it as an elected position.

It is the Michigan Association of County Drain Commissioners position, and mine, that the office of Drain Commissioner should remain an elected office no matter the size of the county, so that the Drain Commissioner is held accountable to the electorates.

Thank you for any assistance you can give us this matter. If you have any questions, please don't hesitate to contact me.

cc: Representative Darwin Booher
Nichole Cook, Hubbard Law Firm

Sherry Samuel
Mecosta County Drain Commission

CC: <darwinbooher@house.mi.gov>, <NCook@hubbardlaw.com>

From: "Doug Enos" <denos@co.midland.mi.us>
To: <representativesak@house.mi.gov>
Date: Fri, Apr 7, 2006 9:59 AM
Subject: SB945

Representative Sak,

I would like to express my opinion that proposed SB945 is not a good idea. I think it sets a poor precedent. Drain Commissioners need to be elected. They need to be able to make tough decisions without having to answer to a supervisory group which would have the power to remove him or her from office for not doing the bidding of the group. In spreading a special assessment for a project, the County is one of the parties upon whom a portion of the assessment is spread. This represents a terrible conflict of interest. I'm sure that you have seen the position paper prepared by the MACDC. I agree wholeheartedly with it. While I understand the situation in Kent County, I still believe that this is a bad idea and represents a proverbial slippery slope scenario. Thank you for allowing me to express my opinion.

Doug Enos
Midland County Drain Commissioner

From: <pmfarrell@chartermi.net>
To: <representativesak@house.mi.gov>
Date: Fri, Apr 7, 2006 9:34 AM
Subject: Fwd: SB 945-IMMEDIATE ATTENTION REQUIRED!!

Representative Sak

I am opposed to SB 945.

I oppose this legislation because it is my feeling that Drain Commissioners should be accountable to the electorate for which they serve due to the nature of the position and ability to assess apportionments to the public, townships, cities, villages and counties. If this position becomes an appointed position there could be a conflict of interest when apportionments are made to the county that appointed the individual to the position.

Should you need any additional information please feel free to contact me.
906 458 9118

P. Mike Farrell
Marquette County Drain Commissioner

District 76 - SB 945

From: "Bush, John" <jbush@ioniacounty.org>
To: <representativesak@house.mi.gov>
Date: 4/7/2006 7:06:08 AM
Subject: SB 945

Representative Sak,

I am very much opposed to SB 945, as it would change the whole make up of office of Drain Commissioner. It looks to me that it would cause problems if the Drain Commissioner answered to the Board of Commissioners and not to the electorate. I have been spreading assessments for 17 years as Drain Commissioner knowing that I have to answer to the very people that put me in the position to due it. I am afraid that if the Drain Commissioner answered to the Board of Commissioners the County at Large assessment would be questionable.

Thanks for your time and interest in this bill.

John M. Bush
Ionia County Drain Commissioner

616-527-5373

District 76 - SB 945

From: "Fuller, Fred" <FFuller@stclaircounty.org>
To: <representativesak@house.mi.gov>
Date: 4/6/2006 8:22:29 PM
Subject: SB 945
CC: "Nicole Cook" <NCook@hubbardlaw.com>

Rep. Sak,

I am opposed to SB 945. As a Drain Commissioner for 9 years who was originally elected because the voters were dissatisfied with the incumbent Drain Commissioner, I believe the County Drain Commissioner should be an elective office in all counties.

Because of the far-reaching powers that Drain Commissioners have under the current Drain Code, I believe they need to be directly accountable to the voters.

With their ability to directly tax landowners, anything less would be taxation without representation.

Sincerely,
Fred Fuller
St. Clair County Drain Commissioner